

## Interview Summary

**Application No.**

09/852,497

**Applicant(s)**

L. VIGIL ET AL.

**Examiner**

John L Young

**Art Unit**

3622

All participants (applicant, applicant's representative, PTO personnel):

(1) John L Young.(3) Vigil.(2) Melgar.

(4) \_\_\_\_.

Date of Interview: 11 March 2004.

Type: a) ☒ Telephonic b) ☐ Video Conference  
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.  
If Yes, brief description: \_\_\_\_.

Claim(s) discussed: 1.

Identification of prior art discussed: Von Kohorn, De Rafeal & Small.

Agreement with respect to the claims f) ☐ was reached. g) ☒ was not reached. h) ☐ N/A.


Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

JOHN LEONARD YOUNG, ESQ.  
PRIMARY EXAMINER

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

 3/11/04  
Examiner's signature, if required

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Applicant and Applicant's representative disagree with Examiner's interpretation of how the "fleeting opportunity" limitation in claim 1 of the instant invention reads on the combined prior art; the Examiner suggested that said limitation may require further narrowing. Examiner explained that obviousness rejections may rely on---in light of the broadest interpretation of the claim language at issue---the totality of the evidence presented in the combined references applied, as well as all that the references may suggest, using permissible hindsight (i.e., without relying on Applicant's disclosure) as would have been understood and interpreted by a person of ordinary skill in the art at the time of the invention. In response to Applicant's question as to whether or not based on public scrutiny a quota for allowances existed in the Business Methods Workgroup TC 3600, the Examiner explained that in the Business Methods Workgroup, all applications determined to be allowable by a given examiner are also examined for allowability by a second set of eyes before a notice of allowance is mailed. Applicant inquired as to what other avenues were available to advance prosecution and the Examiner explained that at least the following options are available: appeal; amend/request for further reconsideration; additional interviews to include interviews with Examiner's supervisor; and possible application in other work groups (i.e., other than business methods class 705) if novelty can be presented in arts other than the business methods arts.